

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6503

BILL NUMBER: SB 170

NOTE PREPARED: Mar 11, 2010

BILL AMENDED: Mar 11, 2010

SUBJECT: Criminal Law and Procedure.

FIRST AUTHOR: Sen. Zakas

FIRST SPONSOR: Rep. Bauer

BILL STATUS: Enrolled

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- A. *Causing Death of a Law Enforcement Animal While OWI* – It makes it a Class D felony for a person, when operating a vehicle while intoxicated, to cause the death of a law enforcement animal.
- B. *Causing Death of a Law Enforcement Officer While Resisting Arrest* – It makes it a Class A felony if a person resists law enforcement and operates a motor vehicle in a manner that causes the death of a law enforcement officer.

Effective Date: July 1, 2010.

Explanation of State Expenditures: LSA anticipates minimal effects on the Department of Correction (DOC) with these two provisions.

Causing Death of a Law Enforcement Animal – It is believed that one police dog, in Mishawaka, has been killed in the past ten years in Indiana. Consequently, the number of persons who might be committed for a Class D felony for causing the death of a law enforcement animal while OWI will be minimal, based on past trends. A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor, depending upon mitigating and aggravating circumstances.

Causing Death of a Law Enforcement Officer – This provision would increase the crime of causing the death of a law enforcement officer from a Class B felony to a Class A felony when the person resists, flees, obstructs or interferes with an officer who is engaged in the execution of the officer's duties.

The added number of offenders to DOC facilities for this enhanced crime should be minimal. LSA examined

the number of offenders who were committed to DOC for resisting law enforcement as a Class B felony between CY 2005 and 2009. Under current law, offenders who were committed under this section include those who caused the death of a law enforcement officer while resisting, fleeing, obstructing, or interfering.

An average of two offenders were committed annually to DOC over the past five years for causing death with a vehicle while resisting arrest. The persons who were killed by these offenders were not necessarily law enforcement officers.

Number of Offenders Committed to DOC Facilities for Resisting Law Enforcement as a Class B Felony by Year					
2005	2006	2007	2008	2009	Average
1	1	2	3	3	2

The average expenditure to house an adult offender was \$20,194 in FY 2009. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$4,818 annually, or \$13.20 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$75,050 in FY 2009. The average length of stay in DOC facilities for all Class B felony offenders is approximately 3.7 years, for all Class D felony offenders approximately 10 months, and for all Class A felony offenders approximately 9.1 years.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. The maximum fine for a Class A, a Class B, or a Class D felony is \$10,000. Criminal fines are deposited in the Common School Fund.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees.

State Agencies Affected: DOC.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association; DOC; www.policesspecial.com.

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